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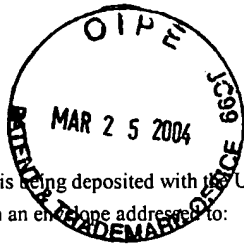
1648\$  
PTO/SB/21 (08-03)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/673,716
		Filing Date	February 26, 2001
		First Named Inventor	Pavlakakis, George N.
		Art Unit	1648
		Examiner Name	Winkler, Ulrike
Total Number of Pages in This Submission	25	Attorney Docket Number	015280-352100US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>  Return Postcard; Pet. 2 Mo. Ext. Time SB/22 (1 pg., 2 copies); Amendment (15 pgs.); Declaration of Pavlakakis and Nappi with Ex. I (7 pgs.).
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Chuan Gao Reg. No. 54,111
Signature	
Date	03/22/2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Dana Kane		
Signature		Date	03/22/2004



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**PATENT**  
Attorney Docket No.: 015280-352100US  
Client Ref. No.: E-143-1998/0-US-04

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On Mar 22, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

PAVLAKIS and NAPPI

Application No.: 09/673,716

Filed: February 26, 2001

For: NOVEL POST-  
TRANSCRIPTIONAL REGULATORY  
ELEMENTS AND USES THEREOF

Customer No.: 20350

Confirmation No. 4088

Examiner: Winkler, Ulrike

Technology Center/Art Unit: 1648

Declaration of George N. Pavlakis and  
Filomena Nappi pursuant to 37 C. F. R.  
§1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, George N. Pavlakis and Filomena Nappi, being duly warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, and may jeopardize the validity of the patent application or any patent issuing thereon, state and declare as follows:

1. All statements herein made of our own knowledge are true and statements made on information or belief are believed to be true. Exhibit I is attached hereto and are incorporated herein by reference.

2. At the time this invention was first conceived, we were employees of the Basic Research Program, Advanced Biosciences Laboratory, a contractor of the National Cancer Institute, located in Frederick, Maryland. All activities described in this Declaration took place in the United States of America.

3. In accordance with 37 C.F.R. §1.131, we state that we completed the claimed invention in the United States prior to October 20, 1997, which is the earliest entry date for GenBank Accession Nos. C80177 and C80740.

4. Attached to this Declaration is Exhibit I, the dates on which have been redacted. All redacted dates are prior to October 20, 1997.

5. Conception of the present invention as well as its reduction to practice are evidenced by Exhibit I, which is a copy of a printout containing the polynucleotide sequences of SEQ ID NO:1 (termed "FNC3B") and SEQ ID NO:4 (termed "PRE7" or "IAP") of the present application, as well as sequence alignment results between SEQ ID NO:1 or FNC3B with other known sequences.

6. In light of the foregoing, it is established that Declarants had in their possession the claimed subject matter of the present invention prior to October 20, 1997.

7. Declarants have nothing further to say.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
George N. Pavlakis, Ph.D.

Dated: 03/03/2004

By: Filomena Nappi  
Filomena Nappi, Ph.D.

Attachments (Exhibit I: redacted copy of sequences and alignment results)  
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